

TOWN OF MILLIS

Richard Nichols, *Chair*
Nicole Riley, *Clerk*
George Yered
Bodha B. Raut Chhetry
Alan Handel
Joshua Guerrero, *Associate*

OFFICE OF THE PLANNING BOARD

900 Main Street • Millis, MA 02054

Phone: 508-376-7045

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Camille Standley
Administrative Assistant
cstandley@millisma.gov

December 14, 2021

The Planning Board has **approved, with conditions, a Special Permit for/with Site Plan Approval** pursuant to Section V, Use Regulations, Paragraph E and Section XIII, Special Permit Conditions, paragraph C, Site Plan Review of the Millis Zoning By-laws of the Town of Millis, filed by McDonald's Real Estate Company in order to demolish the existing 4,115± SF building to construct a new 3,990± SF McDonald's on the same footprint with a side-by-side drive-thru.

The property which is the subject of this application is identified as Assessors Map 24, Lot 3. Said property is owned by McDonald's Real Estate Company. The property is zoned Commercial-Village (C-V). A copy of this decision was filed in the office of the Town Clerk of Millis on **December 20, 2021**. (Copies of this Decision available at the Planning Board's webpage: <http://www.millisma.gov/planning-board>)

Any person aggrieved by this decision of the Planning Board may appeal said decision pursuant to Massachusetts General Law Chapter 40A, Section 17, by bringing an action within twenty (20) days after the decision has been filed in the office of the Town Clerk. Notice of the action with a copy of the complaint shall be given to the Town Clerk so as to be received within twenty (20) days. A copy of said complaint shall be given to the Planning Board.

No variance or special permit, or any extension, modification or renewal thereof shall take effect until a copy of that decision bearing the certification of the Town Clerk that 20 days have elapsed and no appeal has been filed or that if such an appeal has been filed that it has been denied or dismissed, is recorded in the Registry of Deeds for the county or district in which the land is located and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's title certificate. The fee for recording or registering shall be paid by the owner or applicant.

To the Applicant: After 20 days have gone by from the above date, check with the Town Clerk's office and obtain a certified copy of the Board's decision. Be sure that the special permit/site plan is recorded at the Registry with your deed. The permit is not valid until it is recorded. A copy of the receipt or proof of recording from the Registry of Deeds must be filed with the Planning Board and Building Department when you apply for a building permit for the proposed construction. Also, prior to applying for a building permit for construction, **contact the Planning Board for endorsement of the approved site plan.**

Camille Standley, Administrative Assistant

cc: Applicant, Building Dept., BOH, Abutters, File



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DEC 20 2021

December 14, 2021

DECISION OF THE MILLIS PLANNING BOARD ON THE SPECIAL PERMIT FOR/WITH SITE PLAN APPROVAL APPLICATION SUBMITTED BY McDONALD'S REAL ESTATE COMPANY

An application was filed with the Millis Town Clerk's Office on October 7, 2021, by McDonald's Real Estate Company, Chicago, Illinois, who requests;

- 1) a **Special Permit for/with Site Plan Approval** pursuant to Section V, Use Regulations, Paragraph E and Section XIII, Special Permit Conditions, paragraph C, Site Plan Review

of the Millis Zoning By-laws of the Town of Millis, in order to demolish the existing 4,115± SF building to construct a new 3,990± SF McDonald's on the same footprint with a side-by-side drive-thru. Associated site alterations include adjusting the parking lot footprint and layout, relocating the trash enclosure, adding new pavement markings and signs, expanding the drainage system, constructing new light poles, installing a new telecommunications service, and altering sewer, gas, electric, and water utilities.

The property which is the subject of this application is identified as Assessors Map 24, Lot 3. Said property is owned by McDonald's Real Estate Company. The property is zoned Commercial-Village (C-V). The property is currently developed and contains non-conformances associated with the existing use. The Applicant has therefore obtained a dimensional and parking variances to allow the 20-foot minimum side and rear parking setback to be reduced to 4.2 feet, as stated in the Findings and Special Permits Decision from the Zoning Board of Appeals filed with the Town Clerk on October 4, 2021.

In accordance with the provision of G. L. c. 40, Section 11, notice of hearing was published in The Milford Daily News on October 20, 2021 and October 27, 2021. Abutters to the property were properly notified of the public hearing by mail. A list of the abutters is on file with the application in the Town Clerk's office, 900 Main St., Millis Massachusetts.

A public hearing in accordance with said notice was held on November 9, 2021, and continued hearings were held on December 14, 2021. The public hearing was closed on December 14, 2021.

The Applicant was represented by Bohler Engineering. The consulting engineer for the Planning Board on this application was BETA Group, Inc.

The following submissions were received through the public hearing process:

- Package entitled “Special Permit Application for Site Plan Approval, McDonald’s Restaurant, 808 Main Street, Millis, MA”, dated October 5, 2021, applied for by Bohler Engineering, including the following:
 - Cover Letter, dated October 5, 2021
 - Special Permit Application Form, signed May 20, 2021, received by the Town Clerk on October 7, 2021
 - Certified List of Abutters
 - Plans (18 sheets) entitled “Proposed Site Plan Documents for Proposed McDonald’s with Drive-Thru 808 Main Street, Millis, Norfolk County, Massachusetts, Map #24, Lot #3” dated July 13, 2021, prepared by Bohler Engineering, Southborough, MA.
 - “Stormwater Drainage Analysis Main Street for Proposed McDonald’s 808 Main Street town of Millis, Massachusetts, Norfolk County” dated August 20, 2021, prepared by Bohler Engineering, Southborough, MA.
 - “Proposed Sign Exhibit” dated July 13, 2021, revised October 4, 2021, prepared by Bohler Engineering, Southborough, MA.
 - “Fire Truck Turn Exhibit” dated July 13, 2021, prepared by Bohler Engineering, Southborough, MA.
 - “Grease Trap Sizing Calculations”, prepared by Bohler Engineering, Southborough, MA.
 - “Application for Environmental Health Permit” dated August 31, 2021, signed by Eric G. Dubrule and John Kucich of Bohler Engineering, Southborough, MA. Including Cover Letter.
 - “Declaration of Restrictive Covenant”
- Letter to Millis Planning Board, dated November 3, 2021, Site Plan Peer Review, from BETA Group Inc.
- Response to Peer Review Comments, dated November 23, 2021, prepared by Bohler Engineering, Southborough, MA.
- Waiver Request Letter, dated November 23, 2021, prepared by Bohler Engineering, Southborough, MA.
- Plans (18 sheets) entitled “Proposed Site Plan Documents for Proposed McDonald’s with Drive-Thru 808 Main Street, Millis, Norfolk County, Massachusetts, Map #24, Lot #3” dated July 13, 2021, revised November 15, 2021, prepared by Bohler Engineering, Southborough, MA.
- “Stormwater Operation & Maintenance Plan”, dated July 13, 2021, revised through November 15, 2021, prepared by Bohler Engineering, Southborough, MA.
- “Fire Truck Turn Plan Approval” email from Fire Chief Barrett, dated September 20, 2021
- Town of Millis Zoning Board of Appeal Decision, filed with the Town Clerk on October 4, 2021
- Letter to Millis Planning Board, dated November 30, 2021, Site Plan Peer Review, from BETA Group Inc.

FINDINGS

Regarding the requests for Special Permits, Section XII.Q of the Zoning By-laws of the Town of Millis requires the following general conditions to be fulfilled prior to the granting of an application for a special permit:

- (a) Special permits shall only be issued following public hearings held within 65 days after filing of an application with the Special Permit Granting Authority, a copy of which shall be given forthwith to the Town Clerk by the Applicant.

Finding: The application was filed with the office of the Town Clerk on October 7, 2021; and the initial public hearing was held on November 9, 2021. The Planning Board therefore finds that this requirement has been met.

- (b) The use requested by the Applicant is listed in the Table 1 Use Regulations of the Millis Zoning By-laws as a special permit in the district for which application is made or is so designated elsewhere in the By-laws.

Finding: The use of a drive-up window requires site plan approval and a Special Permit from the Planning Board pursuant to Section V, Table 1, Retail and Services Item no. 6. The proposed use eating and drinking places not including drive-in establishments is allowed by right pursuant to Section V, Table 1, Retail and Services Item no. 3. The Planning Board therefore finds that this requirement has been met.

- (c) The requested use is essential or desirable to the public convenience or welfare.

Finding: The Board finds that the proposed use will provide a desirable public convenience of drive-thru food service where it currently exists today and improve efficiency of current services. The Board therefore finds that the proposed development is desirable to the public convenience and welfare.

- (d) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

Finding: The proposal for double drive-up ordering boards is intended to increase efficiency and reduce queuing of cars to avoid traffic congestion on Main Street and in the parking lot. The proposal includes additional crosswalks to provide pedestrian access from the restaurant to the sidewalk on Main Street. There is a new, recirculating driveway to facilitate customers within the site who may need to return to the restaurant, rather than forcing them to return to Main Street to re-enter the site. Additional directional signage is proposed to assist customers in getting around the site and the drive-thru services. The requested use will therefore not create undue traffic congestion, or unduly impair pedestrian movement and the Planning Board finds that this requirement has been met.

- (e) The requested use will not overload any municipal services to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will be unduly subject to hazards affecting health, safety, or the general welfare.

Finding: The site is serviced by existing municipal water system and an existing connection to the shopping plaza sewer system. The water and sewer demand are expected to match or be reduced from the existing use. The Applicant has proposed a stormwater management system meeting state and local requirements for stormwater mitigation and treatment for redevelopment projects to the maximum extent practicable. In addition, the proposal reduces the impervious coverage on the site. This represents an improvement over the existing condition of the already developed site, which currently has minimal stormwater management infrastructure. The requested use will not overload any municipal services to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will be unduly subject to hazards affecting health, safety, or general welfare. The Planning Board therefore finds that this requirement has been met.

- (f) Any special regulations for the use set forth in Section XI (Special Flood Hazard District), are fulfilled.

Finding: The site is not within the Special Flood Hazard District.

- (g) The requested use will not impair the integrity or character of the district or adjoining zones, not be detrimental to the health, morals, or welfare.

Finding: The requested use of a restaurant with drive-thru is an existing use, is allowed in the C-V zoning district, and is located on a site in an established commercial area, surrounded by existing commercial sites. This use will have no significant impacts on abutting properties, which are comprised of existing commercial buildings. The nearest adjacent residential district homes are approximately 130' from the nearest property line of the site with a wooded buffer between them. The Applicant has indicated the drive-thru speaker system has self-adjusting technology to ensure the volume is adjusted accordingly based on background noise and lighting with the purpose of minimizing impact to surrounding areas. As such, the requested use will not impair the integrity or character of the district or adjoining zones, not be detrimental to the health, morals, or welfare of the citizens of Millis. The Planning Board therefore finds that this requirement has been met.

- (h) A special permit granted under the provision of the Millis Zoning By-laws shall lapse within one year, and including such time required to pursue or await the determination of an appeal, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

Finding: The Applicant shall adhere to such requirements and the Planning Board therefore finds that this requirement has been met.

Section XIII.C.5 of the Zoning By-laws of the Town of Millis requires the following matters be evaluated prior to the granting of an application for Site Plan Review:

- (a) Protection of adjoining premises against detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light and air.

Finding: The Applicant has proposed an appropriate stormwater management system design to address surface water drainage and an appropriate landscaping plan along the front of the building and around the site perimeter. The Applicant indicated the drive-thru speaker system has self-adjusting technology to ensure the volume is adjusted accordingly based on background noise and lighting with the purpose of minimizing impact to surrounding areas. The Planning Board finds this requirement has been met.

- (b) Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly.

Finding: The driveway openings will remain as existing. The Millis Fire Chief has reviewed site plans and responded in an email indicating that emergency access to the site is adequate. The proposal includes additional crosswalks to provide pedestrian access from the restaurant to the sidewalk on Main Street. There is a new, recirculating driveway to facilitate customers within the site who may need to return to the restaurant, rather than forcing them to return to Main Street to re-enter the site. Additional directional signage is proposed to assist customers in getting around the site and the drive-thru services. Based on the plan submitted with the imposition of conditions noted hereafter, the Planning Board finds that this requirement has been met.

- (c) Protection and enhancement of existing site features.

Finding: The work shall preserve the character of the neighborhood with the architecture as shown on the proposed architecture plans and renderings and as discussed with the Planning Board. The Applicant has proposed to reduce impervious area on the site and increase landscaping plantings. The Planning Board finds that this requirement has been met.

- (d) Adequacy of the arrangement for parking and loading spaces in relation to the proposed use of the premises.

Finding: The existing building footprint and site layout is to remain with parking and drive aisle modification to improve site circulation. The number of parking spaces is proposed to be reduced from the existing but will exceed the number required by zoning. The 36 spaces proposed will provide an appropriate number of parking spaces for the use and includes handicap spaces. The layout includes angled parking which is allowed only via Special Approval from the Planning Board. Based on the plan submitted with the

imposition of conditions noted hereafter, the Planning Board finds that this requirement has been met and approves of the angled parking.

- (e) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site.

Finding: A dumpster will remain onsite, being emptied regularly. The Planning Board finds that this requirement has been met.

- (f) Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of the by-law.

Finding: The proposed work is consistent with surrounding uses, along with the proposed landscaping plan. The Planning Board therefore finds this requirement has been met.

- (g) Protection of environmental features, particularly groundwater resources, on the site and in adjacent areas, adequate protection to prevent pollution of surface and groundwater, soil erosion, increase runoff, changes in groundwater recharge or elevation and flooding.

Finding: The Applicant has proposed a stormwater management system which provides the collection, treatment, and infiltration of stormwater runoff in accordance with state and local requirements. Construction-stage erosion controls will be implemented to prevent soil erosion during construction. The Planning Board therefore finds this requirement has been met.

WAIVERS REQUESTED

At the public hearing on December 14, 2021, the Planning Board granted the following waivers from the Town of Millis Zoning By-Law requested by the Applicant:

1. A wavier from Section VIII C.2.f Off-Street Parking and Loading Regulations Bylaw, to allow three (3) trees along the street frontage, where six (6) trees are required. A donation of \$700/tree will be made to the Town of Millis Tree Fund for the remaining three (3) trees for a total donation of \$2,100.
2. A waiver from Section VIII C.2.p Off-Street Parking and Loading Regulations Bylaw, to allow the required amount of nine (9) trees be planted along the perimeter of the parking area, in lieu of providing landscaping islands.

DECISION

At a meeting held on December 14, 2021, acting upon a motion of Mr. Richard Nichols and seconded by Ms. Nicole Riley, with Mr. Richard Nichols, Ms. Nicole Riley, Mr. Alan Handel and Mr. Joshua Guerrero voting in the affirmative, it was unanimously voted to grant to the Applicant, McDonald's Real Estate Company, a **Special Permit For/With Site Plan Approval** for the property located at 808 Main Street, said location as described herein and on the plans. The site and the approved improvements are depicted on an eighteen-sheet plan set entitled Proposed Site Plan Documents for Proposed McDonald's with Drive-Thru 808 Main Street, Millis, Norfolk County, Massachusetts, Map #24, Lot #3" dated July 13, 2021, revised November 15, 2021, prepared by Bohler Engineer, Southborough, MA (hereinafter referred to as the "Approved Site Plan"). Site plan approval is subject to the following conditions:

Special Permit Standard Conditions

1. All necessary approvals from other Town Boards and Commissions must be obtained by the Applicant. Proof of said approvals, where needed, shall be forwarded to the Millis Planning Board. Approvals and/or permits shall reference the Approved Site Plan.
2. All provisions of the Millis Zoning By-laws shall be observed unless otherwise approved herein, authorized by variance from the Millis Zoning Board of Appeals, or authorized by a Determination pursuant to M.G.L. Chapter 40A, Section 6 that such pre-existing non-conforming uses may remain or be expanded and/or modified.
3. The development shall be constructed in substantial compliance with the Approved Site Plan unless otherwise modified by the Planning Board or by the conditions enumerated herein.
4. This special permit granted under the provisions of the Millis Zoning By-law shall lapse within one (1) year from the filing of this decision with the Town Clerk, and including such time required to pursue or await the determination of an appeal from the grant thereof. If the Applicant, for good cause, needs to be granted extensions for periods of one (1) year at a time for completion of the project, such an extension will not be unreasonably withheld.
5. This permit is for the 4-wall rebuild within the existing building footprint of a 3,990 SF McDonalds with a side-by-side drive-thru, with associated site alterations including the parking lot footprint and layout, relocating the trash enclosure, adding new pavement markings and signs, expanding the drainage system, constructing new light poles, installing a new telecommunications service, and altering sewer, gas, electric, and water utilities, all as shown on the Approved Site Plan. Any desired changes in use must be submitted to the Board for review and determination as to whether an amendment or modification of the permit is required. The location and footprint of the building shall be substantially as shown on the Approved Site Plan.

6. The land which is the subject of this Special Permit shall not be further subdivided without the prior approval of the Planning Board.
7. The Planning Board and any of its representatives shall be allowed to inspect the premises at any time.

Construction Methodology Conditions

8. The Applicant shall identify the name, address, and phone number of the contact person for construction management of the project. Said contact person shall be available 24 hours per day, seven days per week throughout construction. This information shall be provided to the dispatcher's office of the Millis Police and Fire Departments, the office of the Department of Public Works, and any other department deemed necessary by the Planning Board. In addition, this information should be posted in a prominent location on the required temporary construction fencing.
9. Prior to the start of construction, the Applicant shall conduct a pre-construction meeting with the Director of the Department of Public Works AND any other persons the Planning Board deems appropriate.
10. The Applicant shall be responsible for payment of professional outside consultant assistance that the Board deems necessary for inspection, etc., upon invoice from the Board. A Scope & Fee for construction inspection services to be paid for by the Applicant shall be agreed upon and signed by the Applicant and the Town of Millis prior to the start of construction.
11. No construction shall be started prior to 7:00 A.M. or continue beyond 6:00 P.M. No work will be permitted on the site on Sundays or on holidays observed in Norfolk County, Massachusetts unless approved by the Building Inspector. A clearly visible 6" lettering sign stating these construction activity hours shall be posted at the construction entrance.
12. The approved limit of work shall be field staked by a land surveyor prior to demolition and clearing and shall be marked with perimeter controls as noted on the Approved Site Plan for the duration of construction activities.
13. Installation of erosion control devices shall precede all other construction. Flooding of abutting properties during construction shall not be allowed.
14. Areas of disturbance shall be limited to the greatest extent practical. Disturbed areas that will not be built upon, paved, or grassed within 14 days shall be temporarily stabilized with grass. Areas of disturbance, including stockpiling areas shall be protected by temporary erosion controls and fencing throughout construction.

15. There shall be no loading/unloading or stacking of construction equipment and materials or idling of delivery trucks during construction on Main Street. There shall be no idling of delivery trucks during construction either within the project site or on adjacent streets. Truck and machine idling as governed by MGL Chapter 90 Section 16-A. Activities along Main Street must meet the approval of the Police Chief. A sign stating these conditions shall be posted at the construction entrance.
16. Main Street shall remain clean at all times and shall be swept as needed. Construction entrances are required to be installed and maintained at all vehicle access points.
17. A dumpster shall be maintained on-site throughout construction. All trash shall be collected daily and deposited in the dumpster. No trash shall be buried on-site.
18. If it is determined by the Board that construction related dust is excessive, remediation shall be implemented within 24 hours. Dust control shall be by water truck. Calcium chloride shall not be allowed.

Post-Construction Conditions

19. All future use of the site shall be in accordance with the provisions of the document submitted by the Applicant entitled "Stormwater Operation & Maintenance Plan" prepared by Bohler Engineering, dated July 13, 2021 and revised through November 15, 2021. The plan with signature of the owner/operator shall be provided to the Board prior to occupancy and future responsible parties shall be notified of their continuing legal responsibility to operate and maintain the stormwater management system.
20. The property owner shall maintain on-site files including records of inspection, maintenance, and corrective actions for work performed in accordance with the operations and maintenance requirements prepared by the Applicant. Such files shall be available for inspection by the Town.
21. An "as-built" plan shall be submitted for approval to the Planning Board prior to occupancy. Among other things, the As-built plan shall show the location and detail of all drainage and utility systems and shall include ties to water and sewer curb stops. As-built plans shall be accompanied by a written statement certifying substantial compliance with the Approved Plans. The statement shall note any deviation from the Approved Plans as part of this permit, shall be written by a Professional Engineer and shall include the dates of inspection(s). Building shall not be allowed partial occupancy at any time without the approval of the Planning Board.

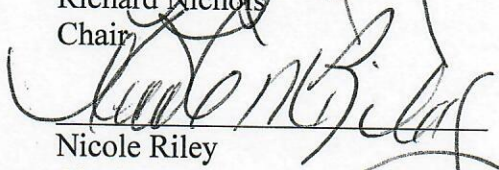
Site Specific Special Permit Conditions

22. Delivery times shall be specified to avoid high traffic times, subject to further review by the Planning Board.

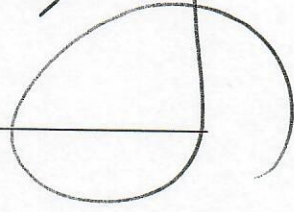
MILLIS PLANNING BOARD:


Richard Nichols
Chair

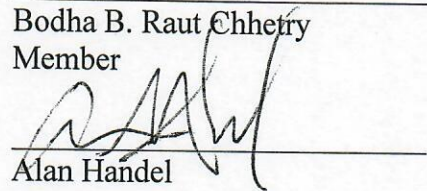
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Nicole Riley
Clerk

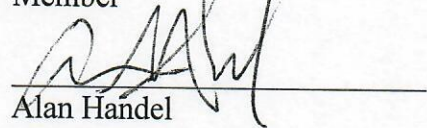
☒ Approve ☐ Deny ☐ Abstain


George Yered
Member

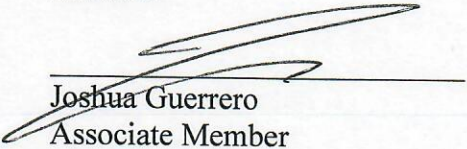
☐ Approve ☐ Deny ☐ Abstain


Bodha B. Raut Chhetry
Member

☐ Approve ☐ Deny ☐ Abstain


Alan Handel
Member

☒ Approve ☐ Deny ☐ Abstain


Joshua Guerrero
Associate Member

☒ Approve ☐ Deny ☐ Abstain

DATE VOTED: December 14, 2021

DATED FILED WITH THE OFFICE OF THE TOWN CLERK: December 20, 2021

APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN TWENTY (20) DAYS AFTER THE DATE THIS DECISION IS FILED IN THE OFFICE OF THE TOWN CLERK.